

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

FILED
JOHN P. HERMAN
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2014 NOV 12 PM 12:10 JE
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST DIV CINCINNATI

ROBERT BENNINGTON,
114 West North Street
West Union, Ohio 45693
937-708-1476

Plaintiff, acting pro se

v.

MIKE DEWINE,
30 East Broad St., 16th floor
Columbus, Ohio 43215

Defendant, in his official
capacity as Ohio Attorney
General

and

David Kelly
110 West Main Street Room 112
West Union, Ohio 45693-1389

Defendant, in his official
capacity as Prosecutor, Adams
County, Ohio

CASE NO.

1:14CV688

Memorandum in Opposition to Dismissal

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Plaintiff opposes dismissal and alternatively requests the court rename the action as a Petition for Writ of Habeas Corpus. It is clear from the body of the complaint this is what was intended and that the choice of title for the complaint is simply incorrect.

Granting the defendants an additional 60 days to prepare an answer to the case would alleviate any

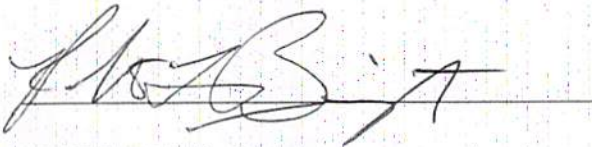
constraints placed on the defendants as a result of the renaming.

If the court wishes to to simply dismiss this case to have Plaintiff refile under the correct title Plaintiff requests this case be dismissed without prejudice so as to not preclude the possibility of the Plaintiff refiling, however remote that likelihood may be.

CERTIFICATE OF SERVICE

I hereby certify that on November 10th, 2014, I mailed my Memorandum of Opposition to Dismissal to the Clerk of Courts for filing. Upon the Clerk's Office docketing of this pleading, notice of this filing will be sent through the Court's electronic filing system to all parties represented by attorneys who are registered users of the Court's electronic filing system as provided for in Fed.R.Civ.P. 5(b)(2)(E).

Robert Bennington, pro se

A handwritten signature in black ink, appearing to read 'R. Bennington', is written over a horizontal line.

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